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DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

MATTINGLY, STANGER, & MALUR P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of: MATSUSHIGE et al.
Application No. 10/649,687
Filed: AUGUST 28, 2003
For: STORAGE UNIT AND CIRCUIT FOR
SHAPING COMMUNICATION SIGNAL

DECISION ON
RECONSIDERATION OF
PETITION TO MAKE
SPECIAL (ACCELERATED
EXAMINATION UNDER
M.P.E.P 708.02 (VIII))

This is a decision on the Request for reconsideration filed December 30, 2004 of the petition to make special under 37 C.F.R. 1.102(d) and M.P.E.P 708.02 (VIII): ACCELERATED EXAMINATION, originally filed July 22, 2004.

The Reconsideration of the Petition is **GRANTED** with recommendations for future petitions.

The initial decision, mailed November 26, 2004, indicated that the applicant should ensure that the discussion of the **references** is directed to how the language of **each independent claim** shows how it is specifically distinguishable and patentable over the **references**. Therefore, the applicant's discussions should focus on the independent claims; not the dependent claims or a combination of independent and dependent claims. A format not focused on the independent claims may result in delays; since, detailed evaluation time to ensure that the requirements are met increases when the format submitted confuses or disguises whether each independent claim feature is addressed in view of each cited reference.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

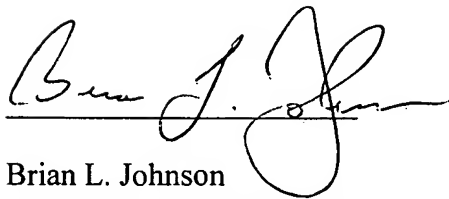
A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.



3/17/05

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
703-308-0885